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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,069	12/22/2000	Marcus O'Sullivan	12658SSUS01U	3235
34399	7590	04/01/2005	EXAMINER	
GARLICK HARRISON & MARKISON LLP			VANDERPUYE, KENNETH N	
P.O. BOX 160727			ART UNIT	
AUSTIN, TX 78716-0727			PAPER NUMBER	
			2661	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,069

Applicant(s)

O'SULLIVAN ET AL.

Examiner

Kenneth N Vanderpuye

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-31 is/are allowed.
- 6) ☒ Claim(s) 1-10, 19-28, 32 and 34-37 is/are rejected.
- 7) ☒ Claim(s) 11-18 and 33 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 19-20, 24, 32, 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Busey et al.(6,665,395)

With regards to claim 1, Andrews teaches a network spanning heterogeneous call center controller(Fig. 1A@14) for use with a circuit switched private branch exchange(Fig. 1A@, 10, 26) and a packet switched private branch exchange(Fig. 1A@, 12, 28), the network spanning heterogeneous call center controller comprising:

a circuit switched PBX interface to communicate with the circuit switched PBX(interface to the POTS ACD is inherent), a packet switched PBX interface to communicate with the packet switched PBX(interface WEB ACD is inherent); and a processor communicatively coupled to the

circuit switched PBX interface and to the packet switched PBX interface(Fig. 1a@14).

Claim 2 is rejected because in Busey, circuit switched control messages are sent to the POTS ACD and packet switched messages to the WEB ACD.

Claim 3 is rejected because in Busey, the central controller uses the direct calls from the public networks to the Agents. This is an inherent function of a call center(Fig. 1A).

Claim 4 is rejected because the Agent terminals in Busey is connected to the POTS ACD(the circuit switched PBX).

Claim 5-6 are rejected for the same reasons as claims 3-4 because the controller direct calls from the internet to agent terminals.

Claims 7-8 are rejected because these features are inherently taught because calls are placed in a queue pending a decision on the agent with the necessary skill sets to handle the call or pending the next available agent .

Claim 10 is rejected because in Busey, the circuit switched call is transmitted over a POTS by a long distance carrier(Fig. 1A).

With regards to claims 19-20, Busey teaches a method comprising:

Receiving an indication that a circuit switched call has been received by the coupled circuit switched PBX(incoming call); and communicating an instruction message to transfer the call to an agent terminal coupled to the circuit switched PBX(inherent function a call center).

Claim 24 is rejected for the same reasons as claim 19 because in Busey , calls are received from an IP phone.

Claim 32 is rejected because Busey teaches a network comprising: a circuit switched PBX(POTS ACD), a packet switched PBX(WEB ACD), a network spanning heterogeneous call center controller(communications and control), a first control path....(Fig 1A, link from control to POTS ACD), a second control path....(Fig. 1A, link from control to Web ACD), a network, the network responsive to the circuit switched PBX, the packet switched PBX, and to the heterogeneous call center controller, the network having a plurality of output communication channels for connection to a plurality of agents(links to agents from the Web ACD and POTS ACD).

With regards to claims 34-37, Busey teaches a method comprising: receiving a circuit switched call event from the circuit switched PBX(Fig. 1A, incoming call request from a caller on the PSTN), receiving an internet protocol call from the packet switched PBX(receiving a call request from a

caller on the Internet),; and processing the circuit switched call event and the internet protocol call event responsive to the circuit switched PBX and the packet switched PBX respectively using control messages.

(communications and control performs routing function by directing calls to Agent system).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 21-23, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busey et al.

With regards to claim 9, it is well known in the art that callers placed on hold listen to music or a statement informing the caller that someone will be with them shortly. It would have been obvious to one of ordinary skill in the art to combine this well known art with Busey for the purpose of playing music while the caller is on hold. The motivation is to encourage the caller to stay on hold.

Claims 21-23 are rejected because placing calls into a call queue prior to transfer to an agent and storing a call record are well known procedures in a call center. The purpose being to route calls on a first come first serve basis or to identify the agent to assign the call to based on skill set of the agent. It would have been obvious to one of ordinary skill to combine this well known art with Busey for the purpose of queuing calls prior to routing.

Claims 25-28 are rejected because it is well known that the internet supports data as well as voice services. Hence it would have been obvious to one of ordinary skill in the art that such services such as VOIP can be supported by the system in Busey to a caller. Busey supports Web page content and email.(fig. 1A)

Allowable Subject Matter

Claims 29-31 are allowed.

Claims 11-18, 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N Vanderpuye whose

telephone number is 571-272-3078. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KNV
3/27/05



KENNETH VANDERPUVE
PRIMARY EXAMINER